

SEVENTH DAY

(Continued.)

(Friday, July 24, 1931.)

IN COMMITTEE OF THE WHOLE
HOUSE.

(Mr. Minor in the chair.)

The Committee of the Whole House met at 9 o'clock a. m., and was called to order by Speaker Minor, Chairman of the Committee.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 10:50 o'clock a. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 11 o'clock a. m. today.

SENATE BILL ON FIRST READ-
ING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 9, to the Committee on State Affairs.

BILLS ORDERED NOT PRINTED.

(By Unanimous Consent.)

On motion of Mr. Smith of Wood, House bill No. 15 was ordered not printed.

On motion of Mr. Burns of McCulloch, Senate bill No. 8 was ordered not printed.

On motion of Mr. Morse, Senate bill No. 9 was ordered not printed.

SENATE BILL NO. 9 ON SECOND
READING.

Mr. Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 9 be placed on its second reading and passage to third reading and on to its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker. Adamson.
Adams of Harris. Adkins.
Adams of Jasper. Akin.

Albritton.	Johnson of Morris.
Alsup.	Jones of Shelby.
Baker.	Jones of Atascosa.
Barron.	Justiss.
Beck.	Keller.
Bounds.	Laird.
Brice.	Lasseter.
Brooks.	Lee.
Bryant.	Lilley.
Burns of Walker.	Lockhart.
Burns	Long.
of McCulloch.	McCombs.
Carpenter.	McGregor.
Claunch.	Magee.
Coltrin.	Mehl.
Cox of Limestone.	Metcalfe.
Cunningham.	Moffett.
Daniel.	Morse.
Davis.	Munson.
Dodd.	Murphy.
Donnell.	Nicholson.
Dowell.	Patterson.
Dunlap.	Ramsey.
Dwyer.	Ray.
Englehard.	Richardson.
Farmer.	Rountree.
Farrar.	Sanders.
Ferguson.	Satterwhite.
Finn.	Savage.
Ford.	Scott.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Stephens.
Hardy.	Stevenson.
Harman.	Steward.
Hatchitt.	Terrell
Herzik.	of Val Verde.
Hill.	Towery.
Holder.	Van Zandt.
Holland.	Vaughan.
Hoskins.	Veatch.
Howsley.	Wagstaff.
Hughes.	Walker.
Jackson.	Warwick.
Johnson	Weinert.
of Dallam.	West of Coryell.
Johnson	Young.
of Dimmit.	

Absent.

Anderson.	Harrison
Bedford.	of Waller.
Boyd.	Hefley.
Caven.	Hines.
Cox of Lamar.	Holloway.
Dale.	Hubbard.
Elliott.	Kayton.
Fisher.	Kennedy.
Forbes.	Leonard.
Fuchs.	Martin.
Gilbert.	Olsen.
Graves.	O'Quinn.
Harrison	Petsch.
of El Paso.	Ratliff.

Reader.	Terrell
Rogers.	of Cherokee.
Shelton.	Turner.
Strong.	West of Cameron.
Sullivant.	Wiggs.
Tarwater.	Wyatt.

Absent—Excused.

Bond.	McDougald.
Bradley.	McGill.
Coombes.	Mathis.
DeWolfe.	Moore.
Duvall.	Pope.
Lemens.	Westbrook.

The Speaker then laid before the House on its second reading and passage to third reading,

S. B. No. 9, A bill to be entitled "An Act granting permission to Red River Bridge Company of Texas, and J. R. Handy of Grayson county, Texas, receiver for the said Red River Bridge Company of Texas, to sue the State Highway Commission and the State of Texas, upon those two certain contracts purported entered into by and between members of the State Highway Commission and Red River Bridge Company of Texas, on or about the fifth day of July, 1930; limiting the time within which suit may be filed; fixing the venue of such suit; providing for the payment of any judgment which may be recovered against the Highway Commission or the State of Texas in said suit; providing for appeals; providing that injunction suit be dissolved, and declaring an emergency."

The bill was read second time.

Mr. Metcalfe offered the following amendment to the bill:

"Section 5. Provided, that the State of Texas, the Highway Commission, or the Attorney General of the State of Texas shall have no power to compromise said suit or to pay out any sum of money by virtue of said suit until the courts of this State have held the contracts sued upon are valid and binding upon the State of Texas and the Highway Commission."

The amendment was adopted.

Mr. Adams of Jasper offered the following amendment to the bill:

Amend Senate bill No. 9, page 2, section 1, by striking out words and figures "thirty" and substitute in lieu thereof the word "ninety," and add the following: "And provided, however, that a writ of injunction will not lie for the purpose of closing said bridge if and when the same is opened

for traffic by the dissolution of the pending injunction or otherwise. This limitation, however, shall not be construed to mean that the said Red River Bridge Company and/or J. R. Handy, as receiver, will be denied any right which either of them may have to injunctive relief or otherwise against any public official of the State of Texas, the State of Texas, or any agency thereof, for the enforcement of any judgment which may be obtained against the State of Texas or the Highway Commission, as such."

The amendment was adopted.

Mr. Metcalfe offered the following amendments to the bill:

(1)

Amend Senate bill No. 9 by striking the following words out of Section 4: "from the time this act becomes effective," insert in lieu thereof the following: "from the time this act is approved and/or filed with the Secretary of State by the Governor."

(2)

Amend Senate bill No. 9 by inserting after the words "Highway Commission of the State of Texas," on line 6, page 2, the words, "as such commission."

METCALFE,
GRAVES.

The amendments were severally adopted.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend Senate bill No. 9, Section 4, line 8, by striking out "upon this act becoming effective" and insert in lieu thereof "upon the approval and/or filing of this act in the office of the Secretary of State by the Governor."

The amendment was adopted.

Senate bill No. 9 was then passed to third reading.

SENATE BILL NO. 9 ON THIRD READING.

The Speaker then laid Senate bill No. 9 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Adamson.
Adams of Harris.	Adkins.
Adams of Jasper.	Akin.

Albritton.	Johnson	Reader.	Terrell of Cherokee.
Alsup.	of Dallam.	Rogers.	Turner.
Baker.	Johnson	Shelton.	Veatch.
Barron.	of Dimmit.	Stevenson.	Wiggs.
Beck.	Johnson of Morris.	Strong.	Wyatt.
Bounds.	Jones of Shelby.		
Brice.	Jones of Atascosa.		Absent—Excused.
Brooks.	Justiss.		
Bryant.	Keller.	Bond.	McGill.
Burns of Walker.	Lasseter.	Bradley.	Mathis.
Burns	Lee.	DeWolfe.	Moore.
of McCulloch.	Lilley.	Duvall.	Pope.
Carpenter.	Lockhart.	Lemens.	Westbrook.
Caven.	Long.	McDougald.	
Claunch.	McCombs.		
Coltrin.	McGregor.		SENATE BILL NO. 8 ON SECOND
Coombes.	Magée.		READING.
Cox of Lamar.	Mehl.		
Cox of Limestone.	Metcalfe.		Mr. Burns of McCulloch moved
Cunningham.	Moffett.		that the constitutional rule requiring
Daniel.	Morse.		bills to be read on three several days
Davis.	Munson.		be suspended and that Senate bill No.
Dodd.	Murphy.		8 be placed on its second reading and
Donnell.	Patterson.		passage to third reading and on its
Dowell.	Petsch.		third reading and final passage.
Dunlap.	Ramsey.		The motion prevailed by the follow-
Dwyer.	Ray.		ing vote:
Elliott.	Richardson.		
Engelhard.	Rountree.		Yeas—103.
Farmer.	Sanders.		
Farrar.	Satterwhite.	Mr. Speaker.	Greathouse.
Ferguson.	Savage.	Adams of Harris.	Grogan.
Finn.	Scott.	Adams of Jasper.	Hanson.
Forbes.	Sherrill.	Adkins.	Hardy.
Ford.	Smith of Bastrop.	Akin.	Harman.
Gilbert.	Smith of Wood.	Albritton.	Harrison
Goodman.	Sparkman.	Alsup.	of El Paso.
Greathouse.	Stephens.	Baker.	Harrison
Grogan.	Steward.	Barron.	of Waller.
Hanson.	Sullivant.	Bounds.	Hatchitt.
Hardy.	Tarwater.	Brice.	Hefley.
Harman.	Terrell	Bryant.	Herzik.
Harrison	of Val Verde.	Burns of Walker.	Hill.
of El Paso.	Towery.	Burns	Holder.
Harrison	Van Zandt.	of McCulloch.	Holland.
of Waller.	Vaughan.	Carpenter.	Hoskins.
Hefley.	Wagstaff.	Caven.	Howsley.
Herzik.	Walker.	Claunch.	Hughes.
Hill.	Warwick.	Coltrin.	Jackson.
Holder.	Weinert.	Cox of Lamar.	Johnson
Holland.	West of Coryell.	Cox of Limestone.	of Dallam.
Hoskins.	West of Cameron.	Cunningham.	Johnson
Howsley.	Young.	Daniel.	of Dimmit.
Hughes.		Davis.	Johnson of Morris.
		Dodd.	Jones of Shelby.
		Donnell.	Jones of Atascosa.
		Dowell.	Justiss.
		Dwyer.	Keller.
		Elliott.	Laird.
		Engelhard.	Lasseter.
		Farmer.	Lee.
		Farrar.	Leonard.
		Ferguson.	Lilley.
		Finn.	Lockhart.
		Forbes.	Long.
		Ford.	McGregor.
		Gilbert.	Magée.
		Goodman.	Mehl.

Absent.

Anderson.	Hubbard.
Bedford.	Jackson.
Boyd.	Kayton.
Dale.	Kennedy.
Fisher.	Laird.
Fuchs.	Leonard.
Giles.	Martin.
Graves.	Nicholson.
Hatchitt.	Olsen.
Hines.	O'Quinn.
Holloway.	Ratliff.

Metcalfe.	Steward.
Munson.	Sullivant.
Murphy.	Tarwater.
Petsch.	Terrell
Ramsey.	of Cherokee.
Ray.	Towery.
Richardson.	Van Zandt.
Rountree.	Vaughan.
Sanders.	Veatch.
Satterwhite.	Wagstaff.
Savage.	Walker.
Scott.	Warwick.
Sherrill.	Weinert.
Smith of Bastrop.	West of Coryell.
Smith of Wood.	West of Cameron.
Sparkman.	Wyatt.
Stephens.	Young.

Absent.

Adamson.	Martin.
Anderson.	Moffett.
Beck.	Morse.
Bedford.	Nicholson.
Boyd.	Olsen.
Brooks.	O'Quinn.
Dale.	Patterson.
Dunlap.	Ratliff.
Fisher.	Reader.
Fuchs.	Rogers.
Giles.	Shelton.
Graves.	Stevenson.
Hines.	Strong.
Holloway.	Terrell
Hubbard.	of Val Verde.
Kayton.	Turner.
Kennedy.	Wiggs.
McCombs.	

Absent—Excused.

Bond.	McDougald.
Bradley.	McGill.
Coombes.	Mathis.
DeWolfe.	Moore.
Duvall.	Pope.
Lemens.	Westbrook.

The Speaker then laid before the House on its second reading and passage to third reading,

S. B. No. 8, A bill to be entitled "An Act amending House bill No. 1036, passed by the Regular Session of the Forty-second Legislature, Chapter 187, page 374, Acts of the Forty-second Legislature, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties, and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this act within two hundred yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provisions of this act; prohibiting the sale, offering

for sale or having in possession for the purpose of sale of certain species in said counties; providing a closed season for a period of time when it shall be unlawful to take fresh water fish; making it unlawful to possess certain species of fish of less length than specified in this act; prescribing a penalty; repealing all laws and parts of laws in conflict with this act, except House bill No. 610, Chapter 90, Acts of Regular Session, Forty-second Legislature, and declaring an emergency."

The bill was read second time.

Mr. Burns of McCulloch offered the following amendments to the bill:

(1)

Amend Senate bill No. 8 by striking out all above the enacting clause and insert in lieu thereof the following:

S. B. No. 8 By Hornsby.

A BILL

To Be Entitled

"An Act amending House bill No. 1036, passed by the Regular Session of the Forty-second Legislature, Chapter 187, page 374, Acts of the Forty-second Legislature, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this act within two hundred yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provisions of this act; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties; providing a closed season for a period of time when it shall be unlawful to take fresh water fish; making it unlawful to possess certain species of fish of less length than specified in this act; prescribing a penalty; repealing all laws and parts of laws in conflict with this act, except House bill No. 610, Chapter 90, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

(2)

Amend Senate bill No. 8 by striking out the word "unlawful" in the first

line of paragraph 3 of Section 1 of the bill and insert in lieu thereof the following word: "lawful."

(3)

Amend Senate bill No. 8 by adding the following paragraph after paragraph 6, to be known as paragraph 7, which shall contain the following wording:

"If any part or parts of this act shall be held in contravention of the Constitution, such ineffective part or parts thereof shall not be held to affect other parts in such provisions."

Also renumber paragraph No. 7 so as to carry the number of 8.

The amendments were severally adopted.

Senate bill No. 8 was then passed to third reading.

SENATE BILL NO. 8 ON THIRD READING.

The Speaker then laid Senate bill No. 8 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Farrar.
Adams of Harris.	Ferguson.
Adams of Jasper.	Finn.
Adamson.	Forbes.
Adkins.	Ford.
Akin.	Gilbert.
Albriton.	Goodman.
Alsupt	Greathouse.
Baker..	Grogan.
Beck.	Hanson.
Bounds.	Hardy.
Brice.	Harman.
Brooks.	Harrison
Bryant.	of El Paso.
Burns of Walker.	Harrison
Burns	of Waller.
of McCulloch.	Hatchitt.
Carpenter.	Herzik.
Caven.	Hill.
Claunch.	Holland.
Coltrin.	Hoskins.
Cox of Lamar.	Howsley.
Cox of Limestone.	Hughes.
Cunningham.	Jackson.
Daniel.	Johnson
Davis.	of Dallam.
Dodd.	Johnson
DeWolfe.	of Dimmit.
Donnell.	Johnson of Morris.
Dwyer.	Jones of Shelby.
Elliott.	Jones of Atascosa.
Englehard.	Justiss.
Farmer.	Keller.

Laird.	Smith of Wood.
Lee.	Sparkman.
Lilley.	Stephens.
Lockhart.	Stevenson.
Long.	Steward.
Magee.	Sullivant.
Mehl.	Tarwater.
Metcalf.	Terrell
Moffett.	of Val Verde.
Munson.	Towery.
Murphy.	Van Zandt.
Nicholson.	Vaughan.
Petsch.	Veatch.
Ramsey.	Wagstaff.
Ray.	Walker.
Richardson.	Warwick.
Rountree.	Weinert.
Sanders.	West of Coryell.
Satterwhite.	West of Cameron.
Savage.	Wyatt.
Sherrill.	Young.
Smith of Bastrop.	

Absent.

Anderson.	Leonard.
Barron.	McCombs.
Bedford.	McGregor.
Boyd.	Martin.
Dale.	Morse.
Dowell.	Olsen.
Dunlap.	O'Quinn.
Fisher.	Patterson.
Fuchs.	Ratliff.
Giles.	Reader.
Graves.	Rogers.
Hefley.	Scott.
Hines.	Shelton.
Holder.	Strong.
Holloway.	Terrell
Hubbard.	of Cherokee.
Kayton.	Turner.
Kennedy.	Wiggs.
Lasseter.	

Absent—Excused.

Bond.	McGill.
Bradley.	Mathis.
Coombes.	Moore.
Duvall.	Pope.
Lemens.	Westbrook.
McDougald.	

COMMITTEE TO INVITE J. FRANK DOBIE TO ADDRESS THE LEGISLATURE.

The Speaker announced the appointment of the following committee, in accordance with a resolution heretofore adopted, to invite Mr. J. Frank Dobie to address the Legislature and to arrange for the address:

Mrs. Rountree, Mr. McCombs and Mr. Hatchitt.

COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Hardy, the House at 11:30 o'clock a. m., resolved itself into a Committee of the Whole House, for the purpose of investigating the oil industry.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 2 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave of the House to sit again at 3:15 o'clock p. m. today.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, July 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 3, Relating to the paperbound copies of the General Laws of the Forty-second Legislature.

The Senate has concurred in House amendments to the following bill:

S. B. No. 9: Yeas 26, nays 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO SESSION ACTS OF THE FORTY-SECOND LEGISLATURE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 3, Relative to the Sessions Acts of the Forty-second Legislature:

Whereas, The Secretary of State has received a supply of paper bound volumes of the Session Acts of the Forty-second Legislature; and

Whereas, The buckram bound copies are not yet available; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Secretary of State is herewith authorized to lend the members of the Legislature pa-

perbound copies and to accept the same in exchange for buckram bound copies when the latter become available.

The resolution was read second time, and was adopted.

COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Harrison of El Paso, the House, at 2:10 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of further investigating the oil industry.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 2:55 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave of the House to sit again at 3 o'clock p. m. today.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been severally read, the following enrolled bills:

S. B. No. 8, "An Act amending House bill No. 1036, passed by the Regular Session of the Forty-second Legislature, Chapter 187, page 374, Acts of the Forty-second Legislature, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties, and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this act within two hundred yards of any fresh waters mentioned herein; exempting waters of the Colorado and Rio Grande Rivers from the provisions of this act; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties; providing a closed season for a period of time when it shall be unlawful to take fresh water fish; making it unlawful to possess certain species of fish of less length than specified in this act; prescribing a penalty; repealing all laws and parts of laws in conflict with this act, except House bill No. 610, Chapter 90, Acts of Regular Session, Forty-second Legislature, and declaring an emergency."

S. B. No. 9, "An Act granting permission to Red River Bridge Company of Texas, and J. R. Handy of Grayson county, Texas, receiver for the said Red River Bridge Company of Texas, to sue the State Highway Commission and the State of Texas, upon those two certain contracts purported entered into by and between members of the State Highway Commission and Red River Bridge Company of Texas, on or about the fifth day of July, 1930; limiting the time within which suit may be filed; fixing the venue of such suit; providing for the payment of any judgment which may be recovered against the Highway Commission or the State of Texas in said unit; providing for appeals; providing that injunction suit be dissolved, and declaring an emergency."

COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Hardy, the House, at 3 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of further investigating the oil industry.

(At 5:30 o'clock p. m., the Committee of the Whole House agreed to stand at ease until 9 o'clock a. m. tomorrow.)

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Criminal Jurisprudence: House bill No. 12.

Appropriations: House bill No. 4.

Game and Fisheries: House bill No. 15; Senate bill No. 8.

State Affairs: Senate bill No. 9.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, July 23, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 17, A bill to be entitled "An Act granting permission to Red River Bridge Company of Texas, and

J. R. Handy of Grayson county, Texas, receiver for the said Red River Bridge Company of Texas, to sue the State Highway Commission as such Commission and the State of Texas, upon those two certain contracts purported entered into by and between members of the State Highway Commission and Red River Bridge Company of Texas, on or about the 5th day of July, 1930, limiting the time within which suit may be filed; fixing the venue of such suit; providing for the payment of any judgment which may be recovered against the Highway Commission or the State of Texas in said suit; providing for appeals, providing that injunction suit be dissolved; providing that the State of Texas, the Highway Commission, or the Attorney General shall have no power to compromise such suit or to pay any money out by virtue of said suit until the courts of this State have held that the contract sued upon was valid, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Chairman.

SEVENTH DAY.

(Continued.)

(Saturday, July 25, 1931.)

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

The Committee of the Whole House met at 9 o'clock a. m., and was called to order by Mr. Minor, Chairman of the Committee.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 9:55 o'clock a. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 10:20 o'clock a. m. today.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, July 25, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted